



FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
HARBOR JUSTICE CENTER

CITY OF NEWPORT BEACH
870 Santa Barbara Drive
Newport Beach, California 92660
949-644-3764
nbpd.org

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DAVID H. YAMASAKI, Clerk of the Court

BY: S. CISNEROS DEPUTY

February 3, 2022

Harbor Justice Center
4601 Jamboree Rd,
Newport Beach, CA 92660
Attn: Honorable Judge Gregg Prickett

Judge Prickett:

On April 21, 2019, Wendi Miller and Darren Partch were found murdered in 2101 15th St. Unit #5 in the City of Newport Beach. Newport Beach Homicide Detectives responded to the scene and conducted a homicide investigation. Detectives identified Jamon R. Buggs as the person responsible for the double murder. Mr. Buggs was ultimately charged by the Orange County District Attorney's Office (19HF0550) for 187 CPC – Murder.

Since that time, the Newport Beach Police Department (NBPD) Homicide Unit has worked closely with Homicide Deputy District Attorney Eric Scarbrough. I have personally had multiple conversations with Mr. Scarbrough reference the ongoing prosecution case against Mr. Buggs including discussions on whether the death penalty would be considered by the prosecution given the circumstances regarding this particular brutal murder. In early 2021, I was advised by Mr. Scarbrough that the case would be sent to the Special Circumstances Panel, headed by the elected District Attorney Todd Spitzer, in October of 2021 for review and consideration.

On Thursday, January 27, 2022, I contacted Mr. Scarbrough via telephone regarding an unrelated legal matter. During our conversation, Mr. Scarbrough advised me that neither he nor anyone assigned to the Orange County District Attorney's Homicide Unit could speak to me or any member of the NBPD Homicide Unit regarding any matters involving Mr. Buggs' criminal case. I inquired with Mr. Scarbrough as to why after two plus years of conversing about the investigation/prosecution, as well as having a preliminary hearing and evidence review, we could no longer converse about our criminal case against Mr. Buggs. Mr. Scarbrough advised me he was simply notifying me that another district attorney (outside of the homicide unit) was assigned to prosecute Mr. Buggs and would be contacting me and my team in the near future. I inquired in order to determine if whatever was going on had anything to do with any misconduct by any member of the Newport Beach Police Department. Mr. Scarbrough assured me it did not. I explained to him that in my twenty plus years of law enforcement experience, I had never heard of an entire district attorney unit being removed from communicating with the lead agency in the prosecution of a homicide. Again, Mr. Scarbrough advised me he could not provide any information to me and that I would be contacted by the handling prosecutor. I inquired if we could still communicate on the numerous other criminal cases we work with Mr. Scarbrough and other Homicide DA's. Mr. Scarbrough advised me that we could. This concluded our conversation.

After my conversation with Mr. Scarbrough, I notified my team of Mr. Scarbrough's comments. While speaking to my team, the lead detective on the case was contacted by an Orange County District Attorney Investigator and advised that we are scheduled to start trial of Mr. Buggs on March 18, 2022, and that he and the newly assigned District Attorney, Dave Porter, was assigned this case without any information as to the change in handling district attorneys.

On Thursday, January 27, 2022, I contacted Senior Deputy District Attorney Steve McGreevy via telephone. Mr. McGreevy oversees the Orange County District Attorney's Homicide Unit and is my counterpart in supervision. I inquired with Mr. McGreevy as to the nature of why his unit was not allowed to communicate with the lead agency in Mr. Buggs' criminal trial. Mr. McGreevy advised me he was not allowed to communicate with me regarding Mr. Buggs' criminal prosecution and referred me to the newly assigned district attorney. I advised Mr. McGreevy that this limited information and turn of events involving the prosecution of Mr. Buggs was disturbing and concerning. I advised Mr. McGreevy that the Newport Beach Police Department represents the victims' families and that they were entitled to an explanation as to what was/is going on. Mr. McGreevy agreed, but referred me to Mr. Porter. As with Mr. Scarbrough, I inquired if any of this had to do with any misconduct on behalf of any employee with the Newport Beach Police Department. He assured me it did not. Mr. McGreevy informed me that there would be an executive meeting held by the Orange County District Attorney's Office on January 28, 2022 and he would advise the executive members of my concerns and request for an explanation. This concluded our conversation.

On Friday, January 28, 2022, I spoke to Mr. McGreevy via telephone. Mr. McGreevy advised me he relayed my message to the executive team seeking an explanation as to what was going on. He then informed me that he was told he needed to be prudent in what he would be able to tell me. Mr. McGreevy advised me he did not have any information for me at that time, but that there was going to be another executive team meeting on Monday, January 31, 2022, and his hopes were that he would receive some insight as to what he could tell me about what occurred that caused this unforeseen change. I advised Mr. McGreevy that I would need to brief my executive management considering we could not converse with our homicide counterparts at the district attorney's office as to what was going on. I also advised him that the victims' families were due some notice and/or explanation as to what was/is going on. Mr. McGreevy advised me he would contact me on Monday with the hopes of having an explanation.

On Friday, January 28, 2022, I spoke to Deputy District Attorney Porter via telephone. Mr. Porter advised me he had just inherited the case against Mr. Buggs and had no idea how a homicide case landed on his desk considering he does not work homicide. I asked Mr. Porter if he had any information as to what happened at the district attorney's office that would trigger such an awkward change and approach by the homicide unit. Mr. Porter advised me he had never seen anything like this in his career. Mr. Porter and I discussed a future meeting in order to go over the investigation and the prepare the prosecution's case. Mr. Porter then advised me that earlier in the day he had served the Court and the Defense with a letter advising both parties that the Orange County District Attorney's Office would not be seeking the death penalty in the matter of Mr. Buggs. I was shocked to hear this as this was the first time any district attorney had spoken to me about a decision that was made regarding the matter involving a potential death penalty prosecution. As stated prior, I was still waiting for notification from the Special Circumstances Panel from October of 2021. In addition, I was informed that the victims' families were not notified of this decision or letter. Victims' families are to be treated with dignity and respect and should be notified of specific proceedings of this magnitude. This concluded my conversation with Mr. Porter.

On Monday, January 31, 2022, I was advised by Mr. McGreevy via telephone that he had not been contacted by the executive team regarding an explanation as to what was going on.

On Tuesday, February 1, 2022, I received a text message from Mr. McGreevy of the following:

"Todd indicated the he's fine Chief Lewis wants to contact him about Buggs."

"I'm officially walled off. As is Eric Scarbrough and Brahim Baytieh (my supervisor)"

"Sr. ADA Suzi Price is the new supervisor of the case and Sr DDA David Porter is the trial attorney."

since Thursday, January 27, 2022, I have received information from multiple sources connected to the Orange County District Attorney's Office, specifically current and former employees, as to the reason behind the unusual behavior of the Orange County District Attorney's Homicide Unit and Executive Team. I have received consistent information that during the Special Circumstances Meeting on or about October 1, 2021, regarding whether to seek the death penalty in the matter of Jamon Buggs, the elected District Attorney, Todd Spitzer, made an unsolicited, derogatory, and racist comment about Black men/persons.

Your Honor, I was not in attendance at this meeting. I have no firsthand knowledge that this occurred, except to say that I have been informed by multiple people that it did. I have no information as to the exact words used or the context it was said in.

I have been informed that present for the meeting were Todd Spitzer, Shawn Nelson, Pat Dixon, Brahim Baytieh, Steve McGreevy, Eric Scarbrough, Troy Pino, the supervising DA of the Law and Motion Unit, and another Gang District Attorney named "Jason." Again I have no firsthand information as to whom was actually present.

In addition to the information above, I have been informed that after the Special Circumstances Meeting, a lunch between Todd Spitzer, Brahim Baytieh, and Suzi Price occurred, where Todd Spitzer's comment was a topic of conversation. I have no firsthand knowledge as to the context of this lunch and cannot speak as to what occurred during the lunch. However, if Suzi Price was present and the comment was discussed, she too may have knowledge of it happening.

On February 2, 2022, I spoke to Mr. McGreevy via telephone. I advised Mr. McGreevy that I was aware that Mr. Spitzer made an inappropriate comment about Mr. Buggs at the Special Circumstances Meeting and that the right thing to do was for the District Attorney's Office to disclose this information to the Court overseeing Mr. Buggs' trial. I made clear that the Court must be notified as this could be Exculpatory Evidence and it was up to the judge to determine if disclosure was appropriate. Mr. McGreevy advised me he was "walled off." Mr. McGreevy advised me that "there is a process and we are going through that process." He informed me that there is an investigation into the matter. I explained to Mr. McGreevy that this was completely inappropriate to the victims' families, to Mr. Buggs, and to the police department for the people responsible for representing the people to act this way.

Mr. McGreevy again advised me that he was walled off and could not discuss the matter any further. I asked why then would the Orange County District Attorney's Office go behind the victims and police department's back and file a letter to the Court and to the Defense regarding the decision to not pursue the death penalty without any discussion with the victims or lead agency in the investigation. I followed that question up with a statement that that wasn't being walled off, that action was calculated and deliberate.

Mr. McGreevy advised me any disclosure to the Court about what occurred would be handled by Suzi Price. I advised Mr. McGreevy that Suzi Price was aware of the elected district attorney's comment. Mr. McGreevy was quick to let me know that Suzi Price was not in the Special Circumstances Meeting regarding Mr. Buggs. I advised Mr. McGreevy that Suzi Price went to lunch with Todd Spitzer and Brahim Baytieh and the comment made by Mr. Spitzer was a topic of conversation. Mr. McGreevy stated he wasn't at the lunch and could not speak about what was said during the lunch, confirming to me that in fact there was a lunch afterwards.

I advised Mr. McGreevy that the actions by his office would affect our working relationship moving forward and it was disappointing that he and so many of his colleagues would try and cover this matter up as we all know the "cover up is always worse than the crime." Mr. McGreevy stated he completely understood my position. This concluded my conversation.

Your Honor, I have no firsthand knowledge that a comment derogatory in nature was made. However, I have a constitutional duty as a member of the prosecution team to turn over to the Court

and Defense any and all exculpatory information that may be material to the case in chief. Mr. Buggs is Black. So if the elected District Attorney made a comment that is derogatory in nature towards Black men/persons during the death penalty review, then I believe the Court is the proper body to determine if discovery to the Defense is appropriate.

After receiving all of this information, I notified Mr. McGreevy that this information needs to be reviewed by the Court and the Orange County District Attorney's Office in compliance with discovery obligations, but no one is willing to have any dialogue with me, leaving me no choice but to notify the presiding judge over Mr. Buggs' criminal case of the potential misconduct by the elected district attorney.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "Court Depweg", written over the typed name.

Court Depweg, Acting Lieutenant
Detective Division